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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3406(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Mediterranean Fruit Fly Interior Quarantine as an emergency action that was effective on December 28, 2005. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 27, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department contact no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture may certify that there was compliance with the provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before March 13, 2006.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

This amendment expanded the existing (143 square miles) quarantine area for Mediterranean fruit fly by approximately 61 square miles to make the total regu-

lated area surrounding the Rancho Cucamonga area (San Bernardino County) and Pomona area (Los Angeles County) approximately 204 square miles. The effect of the amendment was to implement the authority for the State to regulate movement of hosts and possible carriers of Mediterranean fruit fly within and from the additional 61 square mile area under quarantine to prevent artificial spread of the fly to noninfested areas in order to protect California's agricultural industry. There is no existing comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3406 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under Section 17561 of the Government Code because the agricultural commissioners of Los Angeles and San Bernardino counties requested that this area become the area under quarantine; therefore, there are no mandated costs associated with the addition of the expanded Rancho Cucamonga area to the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The agency has determined that a representative business or private person could incur costs of \$90 annually in reasonable compliance with the proposed actions.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department amended Section 3406(b) pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code of California.

REFERENCE

The Department amended Section 3406(b) to implement, interpret and make specific Sections 5301, 5302, and 5322, Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

**AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 3. DEPARTMENT OF
PESTICIDE REGULATION**

Enforcement Response
DPR Regulation No. 06-001

NOTICE OF PROPOSED REGULATORY ACTION

The Department of Pesticide Regulation (DPR) proposes to adopt section 6128 and amend section 6130 of Title 3, California Code of Regulations. The proposed regulatory action would specify appropriate enforcement responses to be taken by the county agricultural commissioner (CAC) each time a violation(s) occurs.

SUBMITTAL OF COMMENTS

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on March 17, 2006. Comments regarding this proposed action may also be transmitted via e-mail<dpr06001@cdpr.ca.gov> or by facsimile (FAX) transmission at (916) 324-1452.

A public hearing has been scheduled for the time and place stated below to receive oral comments regarding the proposed regulatory changes.¹

DATE: March 16, 2006

TIME: 1:00 p.m.

PLACE: California Environmental Protection
Agency Headquarters Building
Sierra Hearing Room
1001 I Street,
Sacramento, California 95812

A DPR representative will preside at the hearing. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 12:30 to 1:00 p.m. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after the registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action has no impact on small businesses that operate lawfully. There will be some impact to those businesses that are found in violation of certain California pesticide laws and regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR is mandated by state and federal law to protect human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight includes extensive scientific product evaluation and registration; and statewide licensing and certification of commercial applicators, dealers, and advisers. CACs have joint authority with DPR in enforcing pesticide laws and regulations. Field enforcement on a local level is carried out by the CACs, under the supervision of DPR. The goal of the enforcement programs is to protect public health, prop-

erty, pesticide handlers and fieldworkers, and environment of the State of California.

Consistent statewide enforcement of California's environmental laws is paramount for the protection of California's people, property, and the environment. However, local program administration naturally can result in variable enforcement decisions and responses. After finding inconsistent enforcement of environmental protection laws and regulations by CACs, DPR and the California Agricultural Commissioners and Sealers Association worked together to develop and adopt as guidelines a 2005 Enforcement Response Policy (ERP). ERP is intended to strengthen environmental enforcement and improve statewide consistency of enforcement responses used by CACs when acting upon pesticide violations. By creating a violation classification system and enforcement response procedure, CACs throughout California are able to follow the same guidelines.

During the 2005 legislative session, Senator Martha Escutia recognized the need for a consistent and timely strategy for enforcement of pesticide laws and amended Senate Bill (SB) 455 that, in part, required DPR to adopt the ERP into regulations. On October 7, 2005, Governor Schwarzenegger vetoed SB 455. However, in the Governor's veto message, DPR was directed to initiate the process of putting the 2005 ERP into regulation in an expedited manner. Therefore, DPR is proposing to adopt specific provisions for CACs to comply with when determining the appropriate enforcement response when a violation occurs.

Proposed section 6128 would specify the appropriate enforcement responses that CACs shall take for specific classes of violations in specific situations. The proposed enforcement responses are consistent with the guidelines established in the 2005 ERP. Specifically, this proposal would:

- Require CACs to comply with this section.
- Define "compliance action," "decision report," and "enforcement action."
- Set up an enforcement response structure designed to be used based on the three types of class violations specified in section 6130—A, B, and C. Section 6130 identifies these three classes based upon the seriousness and potential harm to public health, worker safety, and the environment. CACs would respond to each violation with an enforcement response appropriate to that violation class.

¹ If you have special accommodation or language needs, please notify DPR. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service. If you are a person who needs assistance in Spanish, please contact the agency person listed in this notice.

- Requires CACs to provide the opportunity to the District Attorney, City Attorney, or Circuit Prosecutor to participate in a priority investigation, as defined in Food and Agricultural Code (FAC) section 12999.5, and/or pursue a civil or criminal action if other than a compliance action is being contemplated.

Additionally, DPR proposes to amend section 6130 to clarify what determines a “repeat” violation.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any agency will result from the proposed regulatory actions.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed regulatory actions.

EFFECT ON HOUSING COSTS

DPR has made an initial determination that the proposed actions will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The DPR is not aware of any lost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulatory action will have no impact on lawful operations of pesticide users, advisers, or dealers. Fines are incurred only for violations of the FAC and Title 3, California Code of Regulations.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 12781, 12976, 12981, and 15203.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11892, 12973, 12996, 12997, 12999.5, and 15202.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
(916) 445-3991

Questions on the substance of the proposed regulatory action, particularly technical or historical questions concerning DPR's enforcement response regulations, may be directed to:

Scott Paulsen, Chief
Pesticide Enforcement Branch
Department of Pesticide Regulation
(916) 445-4036

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page at <<http://www.cdpr.ca.gov>>.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

AND NOTICE OF PROPOSED CHANGES TO
TITLE 8 OF THE CALIFORNIA CODE
OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **March 16, 2006**, at 10:00 a.m. in the County Administration Center, 1600 Pacific Highway, Room 358, San Diego, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **March 16, 2006**, following the Public Meeting in the County Administration Center, 1600 Pacific Highway, Room 358, San Diego, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **March 16, 2006**, following the Public Hearing in the County Administration Center, 1600 Pacific Highway, Room 358, San Diego, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

**NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4

and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **March 16, 2006**.

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 11
Sections 1598 and 1599
Update References for Traffic Control
2. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4
Appendix B, Plate B-1-a
Sanitation of Personal Safety Devices

A description of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4, Article 11
Sections 1598 and 1599
Update References for Traffic Control

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action is the result of a Request for New, or Change in Existing, Safety Order, dated February 3, 2005, submitted by the Division of Occupational Safety and Health (Division). The Division requests that the Occupational Safety and Health Standards Board (Board) update references to the State Department of Transportation (DOT) Manual of Traffic Controls in Sections 1598 and 1599 of the Construction Safety Orders (CSO) and replace them with appropriate references.

Section 1598. Traffic Control for Public Streets and Highways.

Subsection (a)

This subsection contains the requirements for traffic controls where a hazard exists to employees due to traffic or haulage conditions that encroach upon public streets or highways. Currently, these traffic controls must be in conformance with the Manual of Traffic Controls for Construction and Maintenance Work Zones — 1996 (Manual). The proposed rulemaking would update the existing reference to the Manual on Uniform Traffic Control Devices (MUTCD) dated December 2000, as amended by the MUTCD California

Supplement dated May 20, 2004. Language will be added to advise employers that the Manual is available from the Federal Highway Administration website or the California Department of Transportation's website. The effect of these changes is to clearly indicate to employers where the standards may be found which pertain to protecting employees from the hazards associated with exposure to vehicular traffic.

Note to subsection (a)

The "Note" states that additional means of traffic control for the safety of employees may be employed. The "Note" further states that the criteria for position, location and use of traffic control devices described in the Manual are not mandatory and are furnished solely for guidance and information. The proposed amendment would delete the statement that the criteria for traffic control devices are not mandatory, and are furnished for guidance and information only. The effect of these changes is to ensure that the requirements for traffic control devices as described in the Manual are enforced and employees are protected from the hazards associated with exposure to vehicular traffic.

Subsection (b)

Subsection (b) states that the specifications for the size and design of signs, lights, and devices used for traffic control are found in the Manual, published by the State Department of Transportation. The proposed amendment would delete the language, "published by the State Department of Transportation." The effect of the change is to remove obsolete information from Title 8.

Note to subsection (b)

The "Note" advises the reader that the Manual may be obtained at any Division office or from the Department of Transportation. The effect of the amendment is to delete the "Note" because the Manual is no longer available in print from these two sources.

Section 1599. Flaggers.

Subsection (c)

Subsection (c) requires the placement of warnings signs to be in accordance with the Manual of Traffic Controls for Construction and Maintenance Work Zones — 1996. The proposed amendment would update the existing reference to the Manual on Uniform Traffic Control Devices dated December 2000, as amended by the MUTCD California Supplement dated May 20, 2004, and delete the statement that the Manual is published by the State Department of Transportation. Language will be added to advise employers that the Manual is available from the Federal Highway Administration website or the California Department of Transportation's website. The effect of these changes is to update the standard and ensure that employers practice current standards when the placement of warning signs

is required for employee safety and to clearly indicate to employers where standards may be found which pertain to protecting employees from the hazards associated with exposure to vehicular traffic.

DOCUMENTS INCORPORATED BY REFERENCE

1. U.S. Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices, Part 6, Temporary Traffic Control, Millennium edition, December 2000
2. MUTCD 2003 California Supplement, May 20, 2004, Part 6, Temporary Traffic Control

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate these documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

The MUTCD is a standard that has been routinely updated for decades by the Department of Transportation. The process used to update this standard is for DOT to work with state highway officials, who provide federal officials with information on the evolving nature of traffic control devices and industry practices. The federal role consists primarily of compiling this evolving set of practices and devices into a national manual, the MUTCD that includes standards, guidance, and options. As noticed by a DOT official, the MUTCD essentially codifies current industry practice. Thus, most potentially affected parties, local governments, highway and utility contractors, and others, already apply the MUTCD. The DOT has consistently found that changes and revisions to the MUTCD do not lead to significant compliance costs.

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California, as it represents industry practice.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4
Appendix B, Plate B-1-a
Sanitation of Personal Safety Devices

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Construction Safety Order Appendix B, Plate B-1-a, Sanitation of Personal Safety Devices, contains a list of recommended methods for sanitizing personal safety devices. The Division of Occupational Safety and Health (Division) staff reviewed this appendix and noticed it has not been revised since 1980 and that two of the four recommendations in Plate B-1-a for cleaning equipment are inappropriate since they involve the use of toxic materials. One specifies the use of formalin, a mixture of water and formaldehyde, which has been a regulated carcinogen since 1990 pursuant to Section 5217. An employer using the cleaning method recommended in Plate B-1-a would have to comply with Section 5217. The second recommendation specifies either: carbolic acid (phenol) which is absorbed through the skin and is now known to damage the nervous system; denatured alcohol which is a mixture of ethyl alcohol and poisonous methyl alcohol; and "Lysol" which is now a brand name for a variety of household products. Since articles made of fabrics, leather, or other absorbent materials could be treated with these disinfectants and then be placed in contact with the user's skin, there

is potential for adverse health effects. Phenol, methanol, and some constituents of various products made by Lysol could also physically degrade and damage the components of the safety devices that are made of materials developed long after this appendix was written, and not tested for these cleaning methods.

Consequently, the Division recommends deleting these two recommendations and retaining the final two recommendations in Plate B-1-a which are the use of boiling water or the method recommended by the manufacturer of the safety device.

The effect of the proposed change is to ensure that health conditions of the regulated public are not compromised. It is probable that a majority of employers currently disregard the first two recommendations in Plate B-1-a as no longer appropriate based on material safety data information for the specified cleaning products. Therefore, the proposed change would make the appendix consistent with current industry practice. There is no federal standard counterpart to this appendix.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose any significant non-discretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California, as it represents industry practice.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274–5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than March 10, 2006. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on March 16, 2006, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274–5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274–5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 9. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

Amendment of Conflict of Interest Code Section 9100, Title 9, California Code of Regulations

CONFLICT OF INTEREST CODE

Notice of Rulemaking and Public Comment Period

NOTICE IS HEREBY GIVEN that the California Department of Alcohol and Drug Programs (ADP) proposes to amend its employee conflict of interest code, Section 9100, Title 9, California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulatory action will only affect ADP employees. The Political Reform Act, (Section 81000 et seq. of the Government Code), requires each state and local government agency to adopt and promulgate a conflict of interest code, identifying those classifications of Departmental employees required to complete a statement of economic interest. The Department's conflict of interest code is contained in Section 9100, Title 9 of the California Code of Regulations (CCR).

The Department is updating its conflict of interest code by repealing those classifications that do not make independent decisions or enter into independent negotiations, and adding new classifications which make independent decisions or enter into independent negotiations.

AUTHORITY

This regulation is being adopted pursuant to Sections 87300 and 87306 of the Government Code, and Section 11755 of the Health and Safety Code.

REFERENCE

The statutory references for this regulatory action are Sections 87300 through 87302 and 87306 of the Government Code.

FISCAL IMPACT STATEMENTS

The Department does not anticipate any cost associated with this regulatory change.

Costs or Savings in Federal Funding to the State: No costs or savings are anticipated.

Costs or Savings to Any State Agency: No costs or savings are anticipated.

Costs or Savings to Any Local Agency or School District: No costs or savings are anticipated.

Nondiscretionary Costs or Savings Imposed on Local Agencies: This regulatory action will not result in any nondiscretionary costs or savings to local agencies.

Local Mandate Determination: ADP has determined that this regulatory action will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

Cost Impacts on Representative Private Persons or Businesses: ADP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Business: ADP does not anticipate any adverse economic impact on business because this regulatory change affects only ADP employees.

ADP has made an initial determination that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses. This regulatory action will not affect the ability of California businesses to compete with businesses in other states. This regulatory action will not affect the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Effect on Small Businesses: The proposed regulatory action will not affect small businesses. ADP has determined that this regulatory action will result in no cost or savings to small businesses because the regulatory action affects only employees of the State Department of Alcohol and Drug Programs.

Effect on Housing Costs: This regulatory action will not affect housing costs in any way.

WRITTEN COMMENT PERIOD

Any interested person or his authorized representative may submit written comments on the proposed reg-

ulatory action. **The written comment period closes at 5 p.m. on March 13, 2006.** Please submit any written comments before that time. The Department cannot accept written comments after the close of the public comment period. Please send written comments to Mary Conway, Regulations Coordinator, Department of Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95814. Comments may also be submitted by fax at (915) 323-5873 or e-mail at MCONWAY@ADP.STATE.CA.US.

SCOPE OF TESTIMONY

Section 11346.8(c) of the Government Code prohibits the Department from making any changes to the text of a noticed regulation after the public hearing, unless the change was so sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed action. Therefore please make your comments specific to the regulation discussed in this notice. Please indicate the number of the section you would like changed, the specific change requested, and the reason why you would like the section changed. Since the Department cannot make changes to sections of regulation which were not mentioned in this public notice, during the public comment period the Department will not consider testimony regarding changes which are outside the scope of this notice.

If you wish to request the Department to amend, adopt, or repeal additional sections of regulation, the Department is required to consider those changes in a separate regulatory action.

PUBLIC HEARING

The Department has not scheduled a public hearing on the proposed regulatory action. However, if any person wishes to submit oral comments, the Department will schedule a public hearing upon receipt of that person's written request. Such request must be received at the address shown above no later than 15 days prior to the close of the written comment period.

CONSIDERATION OF ALTERNATIVES

Pursuant to Section 11346.5(a)(13) of the Government Code, the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this regulatory action was taken. The Department must also determine that no alternative would be as effective and less

burdensome to affected private persons than the regulatory action taken. The Department will consider any alternatives presented during the public comment period.

ADDITIONAL CHANGES

The Department may modify the proposed regulation in response to testimony received during the 45-day public comment period, so long as any additional changes made are sufficiently related to the proposed regulatory action and within the scope of this notice. The Department will make available to any interested persons, for at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation, the full text of any regulation which is changed or modified from the express terms to this regulatory action. The Department will mail a copy of the additional changes to any person who testified or submitted comments during the public hearing (if one is requested), who submitted written comments during the 45-day public comment period, or who requested copies of additional changes. Please call the Department's regulations coordinator at (916) 327-4742 if you wish to receive a copy of any additional changes and you do not plan to present comments regarding the proposed regulatory action.

AVAILABILITY OF TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared and has available for review upon request the text of the proposed regulations discussed in this notice, written in plain English; an initial statement of reasons, explaining the necessity for each regulatory change; and all the information upon which the proposed regulations were based. To obtain a copy, please call Mary Conway at (916) 327-4742 or write to her at the address shown on the first page of this notice. If you received this public notice in the mail, the text of the proposed regulation and the initial statement of reasons were enclosed. The proposed regulations and initial statement of reasons are also available on the Department's web site at <http://www.adp.ca.gov>.

PERSON TO CONTACT FOR ADDITIONAL INFORMATION

The Department's contact for this regulation package is Mary Conway, the Departments Regulations Coordinator, at (916) 327-4742. Tanya Medeiros is the back up contact.

FINAL STATEMENT OF REASONS

After the close of the 45-day public comment period, the Department will summarize and respond to all public comments in a written final statement of reasons. To obtain a copy of the final statement of reasons, please call Mary Conway at (916) 327-4742. The final statement of reasons will also be posted on the Department's web site at <http://www.adp.ca.gov>.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Crime Prevention and Corrections

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5, Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to adopt and amend Sections 3062, 3075, and 3210 in the California Code of Regulations (CCR), Title 15 concerning inmate grooming standards and religious programs.

PUBLIC HEARING

Date and Time: March 30, 2006, 10:00 a.m. to 12:00 p.m.
Place: Water Resources Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, March 30, 2006, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 358-2636; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 358-1655

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Ann Cunningham
Regulation and Policy Management Branch
Telephone (916) 358-1655

Questions regarding the substance of the proposed regulatory action should be directed to:

Frank Lopez, Captain
Division of Adult Institutions
Telephone (916) 327-5034

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide

adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Effective on July 1, 2005, the Youth and Adult Correctional Agency (YACA), which consisted of the California Department of Corrections (CDC), the California Youth Authority (CYA), the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority was abolished and reorganized into the Department of Corrections and Rehabilitation.

Government Code (GC) Section 12838(a) creates the CDCR, headed by a secretary.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

- The California Code of Regulations, Sections 3000, 3062, 3075, and 3210 are being amended to allow male and female inmates to maintain their hair at any length, not to extend over the eyebrow or cover the inmate's face, to define religious review committee, and to allow inmates a reasonable accommodation to attend a scheduled religious service if they are unable to do so due to conflicting. This regulation will apply equally to male and female inmates, and will be monitored to assure that the length of the inmate's hair does not alter the inmates' appearance or pose a health and safety risk.
- The Department has determined that amending the Department's grooming standards would serve a compelling governmental interest by establishing a less restrictive alternative to the current grooming standards. Furthermore, the Department has determined that it would also serve a compelling governmental interest by applying the grooming standards equally to all inmates, regardless of their religion, race, ethnic background, or sex.
- The amendment allows an inmate to attend a scheduled religious service by affording inmates a reasonable accommodation, which include, but are not limited to modifying the work schedule, or use of accrued time or allowed break, grant a job/assignment change, change of regular days off, etc. When the request for a religious service requires a specific time, location and/or items not otherwise authorized, the request will be referred to a Religious Review Committee for review and consideration. Safety and security of the operations of the institution will be considered when determining to grant the accommodation.

TITLE 18. BOARD OF EQUALIZATION

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in the Board by section 15606 of the Government Code, proposes to adopt Rule 140, Welfare Exemption Requirements for Low-Income Housing Prop-

erties; Rule 140.1, Requirements for Managing General Partner of Limited Partnership for Welfare Exemption for Low-Income Housing Properties; Rule 140.2, Requirements for Supplemental Clearance Certificate for Limited Partnership for Welfare Exemption for Low-Income Housing Properties; Rule 143, Requirements for Irrevocable Dedication Clause and Dissolution Clause for Organizational Clearance Certificate for Welfare Exemption in Title 18, Division 1 of the California Code of Regulations. A public hearing on the proposed regulations will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on March 28, 2006. Any person interested may present statements or arguments orally at that time and place. Written statements or arguments will be considered by the Board if received by March 28, 2006.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board of Equalization proposes to adopt Rules 140, 140.1 and 140.2 to interpret and make specific terms used in Revenue and Taxation Code¹ section 214, subdivision (g) which sets forth the requirements for qualifying for the welfare exemption for low-income housing properties. Proposed Rule 140 will define and make specific the terms "regulatory agreement," "deed restriction," "federal low income tax credits," "government financing," "lower income households," and "other legal document." Proposed Rule 140.1 will define the term "managing general partner" of a limited partnership, and make specific the requirements the managing general partner must meet in order for the low-income housing property, owned and operated by the limited partnership, to qualify for the welfare exemption. Proposed Rule 140.2 will clarify how it is to be determined that the limited partnership, in which the managing general partner is a qualifying nonprofit organization, meets all of the requirements of Revenue and Taxation Code section 214, subdivision (g), by requiring a supplemental clearance certificate, and setting forth the requirements for that certificate.

The State Board of Equalization proposes to adopt Rule 143 to clarify the irrevocable dedication clause and dissolution clause required to be in organizational documents in order to qualify for the welfare exemption under Revenue and Taxation Code section 214.

The express terms of the proposed action, written in plain English, are available from the agency contact person named in this notice.

¹ Unless otherwise specified, all statutory references are to the Revenue and Taxation Code.

**COST TO LOCAL AGENCIES
AND SCHOOL DISTRICTS**

The State Board of Equalization has determined that proposed Rules 140, 140.1, 140.2 and 143 do not impose a mandate on local agencies or school districts. Further, the Board has determined that the proposed rules will not result in direct or indirect costs or savings to any state agency, any costs to local agencies or school districts that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, or other non-discretionary costs or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.5, subdivision (a)(8), the Board of Equalization makes an initial determination that the adoption of Rules 140, 140.1, 140.2 and 143 will not have a significant statewide adverse economic impact directly affecting business because the proposed rules merely interpret and clarify existing statutory provisions.

The rules will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The adoption of the rules will not be detrimental to California businesses in competing with businesses in other states.

The rules will not affect small business because the new rules only interpret and clarify property tax exemption law statutory provisions and do not impose any additional compliance or reporting requirements on taxpayers.

**COST IMPACT ON PRIVATE PERSONS OR
BUSINESSES**

There will be no adverse economic impact on private businesses or persons because the adoption of the rules interpret and make specific existing statutory law and do not impose any additional compliance or reporting requirements on private persons or businesses.

SIGNIFICANT EFFECT ON HOUSING COSTS

No significant effect.

FEDERAL REGULATIONS

Rules 140, 140.1, 140.2 and 143 have no comparable federal regulations.

AUTHORITY

Government Code section 15606(a).

REFERENCE

Revenue and Taxation Code sections 214, 214.01 and 254.6.

CONTACT

Questions regarding the substance of the proposed rule should be directed to: Ms. Nancy Vadera, Senior Tax Counsel, at P.O. Box 942879, 450 N Street, MIC:82, Sacramento, CA 94279-0082. Telephone: (916) 322-3829; FAX (916) 323-3387.

Written comments for the Board's consideration, requests to present testimony, bring witnesses to the public hearing and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, (916) 322-9569, and P.O. Box 942879, 450 N Street, MIC:80, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed, or be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF INITIAL STATEMENT OF
REASONS AND TEXT OF PROPOSED
REGULATIONS**

The Board has prepared an initial statement of reasons and an underscored version (express terms) of the rules. Those documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. Requests for copies should be addressed to Ms. Diane Olson, Regulations Coordinator, (916) 322-9569, at P. O. Box 942879, 450 N Street, MIC:80, Sacramento, CA 94279-0080. The express terms of the proposed regulations (rules) are available on the Internet at the Board's website <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's website following its public hearing of the adoption of the rules. It is also available for public inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may, in accordance with law, adopt the rules if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of the modified rule will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified rule will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified rule for fifteen days after the date on which the modified rule is made available to the public.

TITLE 21. DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING ACTION

The Department of Transportation (Department) proposes to adopt as permanent regulations new and amended regulations that establish the procedures for selection of private architectural and engineering firms. The Department will consider all comments, objections, and recommendations specifically directed at the proposed action or the procedures followed before the Department adopts the proposed rulemaking action.

NOTICE OF PUBLIC HEARING¹

Notice is hereby given that a public hearing on the proposed rulemaking action will be held:

Date: March 13, 2006
Time: 10:00 a.m. — 1:00 p.m.
Location: 1120 N Street, Sacramento, CA,
Room 1450¹

¹ If you need reasonable accommodations due to disability, please contact Maria Angel at (916) 654-2630.

At the hearing, any interested person or authorized representative may present oral or written statements, arguments or contentions relevant to the rulemaking action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. Persons making oral presentations at the hearing are asked to provide a written copy of their testimony at the conclusion of their remarks.

Written comments other than those presented at the hearing may be submitted to the Department as given below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department.

The written comment period closes at 5:00 p.m. on March 13, 2006. The Department will consider only comments received at the following address by that time. Submit comments to:

KATHY SWANGER
Department of Transportation
Division of Procurement and Contracts
1727 30th Street
Sacramento, CA 95816

Comments that are not more than 10 pages will be accepted by fax at (916) 227-6155. A fax transmission must be completed by the deadline given above.

Comments may also be submitted electronically to Kathy Swanger at kathy_swanger@dot.ca.gov by the deadline given above.

AUTHORITY AND REFERENCE

Authority Citation: The proposed regulations and the proposed amended regulations are authorized by Government Code Section 4526.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed new and amended regulations are Government Code sections 4526-4529.5, 4529.10-4529.20, California Constitution, Article XXII sections 1-2.

INFORMATIVE DIGEST: Summary of Existing Laws and Effects of Proposed Rulemaking

Background and History: Before November 8, 2000

Under California constitutional law, State civil service employees must perform services provided by State agencies generally. These services cover a broad range of activities — such as clerical support, building

maintenance and security. In some cases, however, the State may contract with private firms to obtain services. Such contracting is allowed, for example, if services needed by the State are (1) of a temporary nature, (2) not available within the civil service, or (3) of a highly specialized or technical nature. Unlike the State, local governments are not subject to constitutional restrictions on contracting for services.

The State and local governments frequently contract with private firms for construction-related services, which include architectural, engineering, and environmental impact studies. State and local governments enter into these contracts through a competitive process of advertising for the service, selecting the firm determined to be best qualified, and negotiating a contract with that firm. However, neither the State nor most local government entities use a bidding process for these services. By comparison, bidding generally is used to acquire goods and for construction of projects.

Existing Law: Effective November 8, 2000

On November 7, 2000, the California voters approved an initiative measure (Proposition 35) that resulted in a constitutional amendment (see Article XXII, sections 1 and 2) and the enactment of certain statutory laws (see Government Code, sections 4529.10–4529.20).

The amended State Constitution allows the State and local governments to contract with qualified private entities for architectural and engineering services for all phases of a public works project. Thus, government agencies could decide to contract out for these specific services in any case, rather than just on an exception basis.

The new enacted statutory laws:

- Define the term “architectural and engineering services” to include all architectural, landscape architectural, environmental, engineering, land surveying, and construction project management services; and
- Require architectural and engineering services to be obtained through a fair, competitive selection process that avoids conflicts of interest.

Effect of Proposed Rulemaking

The proposed regulations reflect the constitutional amendments and statute enactment from November 8, 2000, which presently are not represented in the Department’s existing regulations that were last updated in 1982.

INFORMATIVE DIGEST–POLICY STATEMENT OVERVIEW

The objective of the proposed regulations and proposed amended regulations is to improve the Department of Transportation (Department) internal procedures for contracting for architectural and engineering services.

The current Department regulations were last amended/updated in 1982 and do not reflect the passage of Proposition 35 (an initiative measure effective since November 8, 2000). Proposition 35 eliminated certain restrictions on the State to allow contracting with private qualified entities for engineering and architectural services in all phases of public works projects.

The scope of definitions in the proposed regulations has been broadened and also clarified.

Government Code section 4526 authorizes the Department to adopt regulations for the aforementioned purposes.

The regulations in this rulemaking do not differ substantially from existing comparable federal statute or regulations.

COMPARABLE FEDERAL REGULATION OR STATUTE

The proposed regulations do not differ substantially from existing comparable federal statute or regulations. The proposed regulations avoid duplication and conflict with federal statutes and federal regulations.

LOCAL MANDATE DETERMINATION

These regulations do not create a local mandate. The Department has determined that the proposed rulemaking does not impose a mandate on local agencies or schools, or a mandate that is required under part 7 (beginning with section 17500), Division 4, Title 2, of the Government Code.

DISCLOSURES/ESTIMATE OF ECONOMIC AND FISCAL IMPACT

Fiscal Impact on Local Agencies or School Districts: There will be no fiscal impact on local governments because they generally can now contract for architectural and engineering services. These regulations do not impose any cost on a local agency or school district which is required to be reimbursed pursuant to government Code sections 17500–17630, nor do they impose any non–discretionary cost or saving on a local agency.

Fiscal Impact on State Government: Unknown fiscal impact on State spending for architectural and engineering services and construction project delivery. Ac-

tual impact will depend on how the State uses the contracting flexibility granted by these regulations. These regulations will not result in any cost or savings in federal funding to the State.

Initial Determination Regarding Impact on Housing Costs: The Department has made an initial determination and is not aware of any effect the proposed action will have on housing costs.

Initial Determination Regarding Economic Impact on Business: The Department has made an initial determination that the proposed action will not have a significant, statewide, adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. (These regulations increase the business opportunities since they are designed to select private firms that offer services to the Department.)

Assessment of Effect on Jobs and Businesses: Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Cost Impact on Representative Person or Business: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Determination Regarding Effect on Small Business: The Department has made an initial determination and is not aware of any adverse effect on small businesses. Small businesses with access to electronic publication tools will have more of an opportunity to compete for services under these regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative which is considered or which has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Kathy Swanger, Contract Analyst
Department of Transportation
Division of Procurement and Contracts
1727 30th Street, Sacramento, CA 95816
Telephone: (916) 227-6094
Fax: (916) 227-6155
Kathy_Swanger@dot.ca.gov

The backup contact person for these inquiries is:

Megan Rettke, Contract Officer
Department of Transportation
Division of Procurement and Contracts
1727 30th Street, Sacramento, CA 95816
Telephone: (916) 227-6083
Fax: (916) 227-6155
Megan_Rettke@dot.ca.gov

Questions on the substance of the proposed regulations may be directed to Kathy Swanger.

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Kathy Swanger at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for public inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact statement (STD Form 399). Copies may be obtained by contacting Kathy Swanger at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes substantive modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Kathy Swanger at the above address and will be made available through the Department website at <http://caltrans-opac.ca.gov/aeinfo.htm>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Department website at <http://caltrans-opac.ca.gov/aeinfo.htm>.

TITLE 22. DEPARTMENT OF SOCIAL SERVICES

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM#2 Criminal Record Clearance/Exemption,
AB 1240, SB 358, and Gresher v. Anderson
Decision

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held March 15, 2006, as follows:

March 15, 2006
Office Building #9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 15, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially

as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rule-making file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social
Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586

FACSIMILE: (916) 654-3286

E-MAIL: ord@dss.ca.gov

CHAPTERS

California Code of Regulations, Title 22, Division 6 Licensing of Community Care Facilities, Chapter 1 General Licensing Requirements, Sections 80019 (Criminal Record Clearance), 80019.1 (Criminal Record Exemptions), 80054 (Penalties); Chapter 8 Residential Care Facilities for the Elderly, Sections 87219 (Criminal Record Clearance), 87219.1 (Criminal Record Exemptions), 87454 (Penalties); Chapter 8.5 Residential Care Facilities for the Chronically Ill, Sections 87819 (Criminal Record Clearance), 87819.1 (Criminal Record Exemptions), 87854 (Penalties); Chapter 8.8 Foster Family Agencies, Section 88019 (Criminal Record Clearance); Division 12 Child Care Facility Licensing Regulations, Chapter 1 Child Care Center General Licensing Requirements, Sections 101170 (Criminal Record Clearance), 101170.1 (Criminal Record Exemptions), 101195 (Penalties); Chapter 3 Family Child Care Homes, Sections 102370 (Criminal Record Clearance), 102370.1 (Criminal Record Exemptions), 102395 (Penalties).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations add or make changes to the Criminal Record Clearance sections in six regulation categories; add or make changes to the Criminal Record Exemption sections in five regulation categories; and add or make changes to the Penalties sections in five regulation categories. All revised or added regulations are mandated by Health and Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871, which were amended by Senate Bill (SB) 1240, Chapter 653, Statutes of 2004, Assembly Bill (AB) 358, Chapter 628, Statutes of 2004 and the Gresher v. Anderson decision (Alameda County Superior Ct. No. 8074577). SB 1240 increases an existing one-time civil penalty for allowing an individual to work or reside in a licensed facility without a criminal record clearance or exemption to an ongoing, per day civil penalty. SB 1240 also allows for the transfer of criminal history information between county and state licensing agencies. AB 358 expands the list of persons who are exempt from submitting fingerprints for a criminal background check. The Gresher v. Anderson Decision: permits certified family home employees to seek a criminal record exemption on their own behalf; permits terminated employees to seek a criminal record exemption after their employers received a notice from the licensing agency about his/her criminal history, without requiring that the notice caused the termination; requires that the licensing agency list the convictions that require a criminal record exemption; and requires that the licensing agency list the specific reason(s) the exemption was denied.

Sections 80019, 87219, 87819, 88019, 101170, and 102370 specifies: who must submit fingerprints for a criminal record review and who is exempt; that persons subject to a criminal record review be cleared or have a criminal record exemption prior to working or residing in a licensed facility; and the resulting civil penalty for violation of background check requirements. Sections 80054, 87454, 87854, 101195, and 102397 allow for the assessment of civil penalties for violation of licensing regulations. Section 80019 was amended to specify that certified foster parents, acting as a reasonable and prudent parent, may allow family, friends, parents of the foster child's friends and baby sitters to provide short term care without a background check. Section 88019 was amended to eliminate duplication of Section 80019. Section 102370 was amended to allow the transfer of criminal record clearance information between county and state licensing agencies. Sections 80019, 80054, 87219, 87454, 87819, 87854, 101170, 101195, 102370 and 102395 were amended to increase an existing one-time, \$100 background check violation civil penalty to a \$100 per day, for a maximum of five days

civil penalty for initial violations and \$100 per day, for a maximum of 30 days, civil penalty for subsequent violations.

Sections 80019.1, 87219.1, 87819.1, 101170.1, and 102370.1 specifies the entire criminal record exemption process. Regulations were amended to: allow certified family home employees to seek an exemption on their own behalf; permit terminated employees to seek an exemption after their employers received a notice from the licensing agency about his/her criminal history, without requiring that the notice caused the termination; require that the exemption needed notice, sent to the affected individual by the licensing agency, list the convictions that require an exemption; and require that exemption denial notices specify the reason the exemption was denied. Additionally, Section 102370.1 was amended to allow the transfer of criminal record exemption information between county and state licensing agencies.

COST ESTIMATE

1. Costs or Savings to State Agencies: Costs associated with AB 1240 implementation will be absorbed. Costs associated with implementation of Gresher v. Anderson decision have been approved (SFL # CDSS-100).
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this regulation does not affect any local entity or program.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON
PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION
OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1548, 1569.49, 1569.49(a), 1568.0822(e), 1596.98(c), 1596.81, 1596.893(b). Subject regulations implement and make specific Health And Safety Code Sections 1548, 1596.49, 1568.22, 1596.99, 1596.893, 1596.871, and Greshner v. Anderson (2005) 127 Cal. App. 4th 88.

CDSS REPRESENTATIVE REGARDING
RULEMAKING PROCESS OF THE PROPOSED
REGULATION

Contact Person: Fernando Sandoval
(916) 657-2586

Backup: Alison Garcia
(916) 657-2586

**TITLE 24. CALIFORNIA BUILDING
CODE**

**BUILDING STANDARDS OF THE OFFICE OF
STATEWIDE HEALTH PLANNING &
DEVELOPMENT**

**REGARDING THE CALIFORNIA BUILDING
STANDARDS ADMINISTRATIVE CODE
AND
CALIFORNIA BUILDING CODE CALIFORNIA
CODE OF REGULATIONS, TITLE 24, PART 1
AND PART 2**

**NEW NONSTRUCTURAL PERFORMANCE
CATEGORY- 3R**

Notice is hereby given that the California Building Standards Commission (CBSC), on behalf of the Office of Statewide Health Planning and Development (OSHPD), proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1 and Part 2. These proposed regulations will define a new seismic performance category for nonstructural requirements in hospital buildings that are to be retrofitted to meet the January 1, 2008, deadline pursuant to seismic safety requirements of SB 1953.

PUBLIC COMMENT PERIOD

The California Building Standards Commission on behalf of Office Statewide Health Planning and Development will hold a written comment period, during which time any person may submit written statements or arguments relevant to the proposed regulatory action summarized below.

Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Stanley T. Nishimura, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

A public hearing has not been scheduled; however, written comments will be accepted from January 27, 2006 until March 13, 2006.

Pursuant to Government Code Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18929, 18930, 18931 and 18949.3 and Government Code Section 11152.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 130005(b). The Office of Statewide Health Planning and Development is proposing this regulatory action based on Health and Safety Code Section 130005(b) and 130021.

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code, Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code, Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Of-

fice is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Health and Safety Code, Sections 129675 through 130070 authorizes the Office to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities in order to assure that these health facilities are compliant with the California Building Standards Code. Specifically, Section 129850 authorizes the Office to develop regulations to effectively carry out the mandate of the Alfred E. Alquist Hospital Seismic Safety Act.

Health and Safety Code, Sections 130000 through 130070 establishes responsibilities for the Office and for hospital owners regarding the seismic safety and retrofit of general acute care hospitals.

Health and Safety Code Section 130005(b) authorizes the Office to define additional structural and non-structural seismic performance categories as it deems necessary to meet the intent of Health and Safety Code, Sections 130000 through 130025 regarding seismic safety in hospitals.

Health and Safety Code Section 130021 requires that all regulatory proposal submitted by the Office to the California Building Standards Commission pursuant to the provisions of Health and Safety Code Sections 130000 through 130070 shall be deemed emergency regulations. This provision will remain in effect until January 1, 2008.

Health and Safety Code, Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Section 18930 and the Government Code (commencing with Section 11346).

Government Code 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards, must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Government Code 11346.1(c) requires that building standards that are emergency regulations must be approved by the California Building Standards Commission.

Summary of Existing Regulations

Pursuant to SB 1953 (Chapter 740, Statute 1994), all general acute care hospitals in service prior to January 1, 2000, were required to evaluate each hospital building to determine the structural and nonstructural performance categories based on their expected seismic performance. Hospital buildings are required to progres-

sively improve their expected nonstructural performance category (NPC) and by January 1, 2002 must have achieved an NPC-2. By January 1, 2008, or 2013 if an extension has been granted, hospital buildings must be at an NPC-3 rating and by January 1, 2030, all hospital buildings must be at NPC-5. Title 24, Part 1, Chapter 6, Article 11, Table 11.1 describes the NPCs and sets forth requirements for achieving those categories.

In addition, hospital buildings were evaluated to specific structural performance categories (SPC) and these categories are also described Part 1, Chapter 6. Hospital buildings rated SPC-1 are at risk of collapse in an earthquake and must retrofitted, replaced or removed from acute care service by January 1, 2008, or 2013 if an extension has been granted. The SPC-2 buildings were those constructed pre-1973, prior to the Alfred E. Alquist Hospital Facilities Seismic Safety Act (HSSA), and may not be operational or repairable following an earthquake. These buildings must be retrofitted or replaced by January 1, 2030. The SPC-3 and SPC-4 buildings were built to the HSSA requirements, but because of certain features, may not be operational or repairable after an earthquake. The highest rated SPC-5 hospital buildings can be used through January 1, 2030 and beyond.

Title 24, Part 2, Volume 2 provides nonstructural anchorage and bracing requirements and structural requirements for hospital buildings. The basic regulations for of SB 1953 were implemented in the mid-1990's. The nonstructural regulations were based on the 1995 California Building Code (CBC), which was the 1994 Uniform Building Code (UBC) with California amendments. The requirements were essentially identical for retrofit, renovations and new construction. The adoption of the 2001 CBC, which was based on the 1997 UBC, changed the nonstructural design requirements extensively and design loads for almost all nonstructural components increased dramatically.

Summary of Effect

The proposed regulations will provide a new non-structural performance category (NPC-3R). This is an optional performance objective for SPC-1 and SPC-2 hospital buildings and it will simplify the nonstructural requirements for hospital buildings slated to be removed from service in 2030. These simplified requirements are similar to those enforced for hospital buildings in 1995, when the SB 1953 regulations were developed which defined the structural and nonstructural performance categories used in hospital building seismic evaluations. For conforming hospital buildings rated SPC-3 or SPC-4 these simplified regulations will

allow remodel and retrofit projects to be constructed to the same or higher nonstructural standards as those enforced at the time the building was constructed. This should provide a uniform seismic performance and simplify construction and remodel projects for these buildings.

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to these proposed regulations.

Policy Statement Overview

Title 24, Part 1, Chapter 6 contains OSHPD's administrative regulations for the implementation of SB 1953 (Chapter 740, Statute 1994) seismic safety and retrofit requirements for general acute hospitals. These requirements contain seismic evaluation procedures including the definitions for structural and nonstructural seismic performance categories and the deadlines by which hospital buildings must achieve specific levels of seismic performance.

The OSHPD adopts Title 24, Part 2, CBC, Volume 2, structural requirements and the nonstructural (anchorage and bracing of equipment, piping etc.) requirements for hospital construction. Requirements governing the structural and nonstructural design and construction of hospitals are found in Chapters 16A through 23A.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no matters to be identified.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Office of Statewide Health Planning and Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **Yes. The proposed regulations would result in a savings to University of California hospitals.**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**

D. Other nondiscretionary cost or savings imposed on local agencies: **No. The proposed regulations would result in a savings to county and district hospitals.**

E. Cost or savings in federal funding to the state: **No**
Estimate: The proposed regulations would result in a savings of \$1,000 to \$100,000 for general acute care hospitals subject to SB 1953 (Chapter 740, Statute of 1994) seismic retrofit requirements depending on the size, performance rating and number of hospital buildings

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made an initial determination that the adoption/amendment of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The proposed NPC-3R requirements are optional for seismic retrofit projects or remodel construction projects and are less restrictive than the existing NPC-3. These proposed regulations will result in cost savings for hospitals that choose to use NPC-3R requirements for applicable construction projects.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

(Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.)

These proposed regulations do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.

These regulations will have no effect.

- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will have no effect.

- ☐ The expansion of businesses currently doing business with the State of California.

These regulations will have no effect.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The OSHPD has determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website: <http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

Russell Frank, assigned CBSC staff person and Tom Morrison, back-up person
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/OR
TECHNICAL QUESTIONS ON THE PROPOSED
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Susan M. Botelho, Chief, Program, Policy & Operations Support Services
Office of Statewide Health Planning and Development
Facilities Development Division
Phone: (916) 654-2012
E-mail: regsunit@oshpd.ca.gov
FAX: (916) 653-2973

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

**NOTICE OF PROPOSED CHANGES IN
REGULATIONS OF THE CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES (CDSS)**

ITEM # 1 ABAWD Food Stamp Work Requirement

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held March 15, 2006, as follows:

March 15, 2006
Office Building #9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony

presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 15, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rule-making file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures, Division 63 (Food Stamp Regulations), Chapter 63-400 (Eligibility Standards), Section 63-410 (Food Stamp Work Requirement for Able-Bodies Adults Without Dependents (ABAWD))

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Public Law 104-193, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWO-

RA) established the Able-Bodied Adult Without Dependents (ABAWD) work requirement. The ABAWD work requirement must be met by food stamp recipients between the ages of 18 and 50 who are not recipients of California Work Opportunity and Responsibility to Kids (CalWORKs) benefits. The ABAWD work requirement is met through employment, workfare, and/or participation in allowable work activities. Exemptions from the ABAWD work requirement include unfitness, pregnancy, residing in a food stamp household that includes a dependent child, residing in a county with an approved federal waiver of the work requirement, and/or food stamp work registration exemptions. Eligibility for food stamps without meeting the ABAWD work requirement includes unfitness, pregnancy, residing in a food stamp household that includes a dependent child, residing in a county with an approved federal waiver of the work requirement, and/or food stamp work registration exemptions. Eligibility for food stamps without meeting the ABAWD work requirement is limited to three countable months within a 36-month period. Persons, who fail to meet the work requirement, may regain eligibility if during a 30-day period they satisfy the ABAWD work requirement.

The FNS issued federal regulations that implemented provisions of the PRWORA, including the ABAWD work requirement. Federal ABAWD regulations are codified at 7 CFR 273.24 and are published in the Federal Register (Volume 66, Number 11). State ABAWD regulations at Manual of Policies and Procedures Section 63-410 are consistent with federal regulations.

Assembly Bill 444 (Chapter 1022, Statutes of 2002) established a quarterly reporting/prospective budgeting (QR/PB) system for the CalWORKs and Food Stamp programs, which replaced the Monthly Reporting/Retrospective Budgeting system. Emergency regulations that implement the QR/PB system took effect July 1, 2004. The emergency regulations were revised following the public hearing and were filed with the Office of Administrative Law with an effective date of August 5, 2005.

On December 3, 2004, the FNS issued correspondence to the California Department of Social Services (CDSS) which provided that for a quarterly reporting household, an ABAWD whose exemption stops mid-quarter would be considered exempt for the remainder of the quarter. An individual whose exemption stops for a reason not subject to reporting requirements would be assessed for exemption status at recertification. CDSS included a post-hearing amendment in the QR/PB regulations package that reflects this policy.

On May 27, 2005, FNS reversed this policy. Now, an individual who no longer qualifies for an ABAWD exemption is immediately subject to the ABAWD work requirement and may not be considered exempt for the

remainder of the quarter or for the remainder of the certification period. State QR/PB regulations must be amended by removing language that is inconsistent with current federal policy. This amendment is necessary to avoid county errors and accompanying federal financial penalties for California. The county errors will take the form of food stamp overissuances to ABAWDs whose exemption ends mid-quarter, but who are incorrectly treated as exempt for the remainder of the quarter making them eligible for food stamps.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.
4. Federal Funding to State Agencies: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.

LOCAL MANDATE STATEMENT

These regulations impose a mandate on local agencies but not on school districts. There are no state mandated costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, and 18904. Subject regulations implement and make specific correspondence received from the Food and Nutrition Service on May 27, 2005 that addresses treatment of an individual whose ABAWD status changes from exempt to non-exempt.

CDSS REPRESENTATIVE REGARDING RULE-MAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Robin Garvey (916) 657-2586
Backup: Alison Garcia (916) 657-2586

GENERAL PUBLIC INTEREST

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Notice to Interested Parties

January 27, 2006

Announcement of a Public Comment Period

Public comments on the child-specific Reference Dose (chRD) for atrazine and deltamethrin for use in assessing health risks at existing and proposed School Sites

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available for review and comment the Draft Report "Development of Health Criteria for School Site Risk Assessment Pursuant to Health and Safety Code Section 901(g): PROPOSED CHILD-SPECIFIC REFERENCE DOSE (chRD) FOR SCHOOL SITE RISK ASSESSMENT, Atrazine and Deltamethrin." The draft report can be downloaded from the OEHHA website at www.oehha.ca.gov. Health and Safety Code (HSC), Section 901(g) requires the Office of Environmental Health Hazard Assessment (OEHHA), in consultation with the appropriate entities within the California Environmental Protection Agency, to identify those chemical contaminants commonly found at school sites and determined by OEHHA to be of greatest concern based on child-specific physiological sensitivities. HSC 901(g) also requires OEHHA to annually evaluate and publish, as appropriate, numerical health guidance values (HGVs) or chRDs for those chemical contaminants until the contaminants identified have been exhausted. ChRDs for atrazine and deltamethrin are being considered at this time.

This public review and comment period follows the requirements set forth in Health and Safety Code Section 57003 for receiving public input. A public workshop will also be held from 1:30 PM to 3:30 PM on February 17, 2006, in the Sierra Hearing Room on the second floor of the Joe Serna (Cal/EPA headquarters) Building, 1001 I Street, Sacramento. Oral and written comments received at the workshop and during the comment period will be considered during the revision of the draft document. Because there will be no official transcript of the meeting, we recommend that oral comments also be submitted in writing. On a parallel track,

OEHHA will be seeking comments from an external peer review panel of experts. OEHHA requests that comments on this draft report be delivered to OEHHA by 5:00 p.m. March 13, 2006. Comments received by that date will be considered in revision of the document.

If you would like to receive further information on this announcement or have questions, please contact our office at (916) 324-2829 or the address below. Written requests or comments should be addressed to:

Mr. Leon Surgeon
Integrated Risk Assessment Section
Office of Environmental Health Hazard Assessment
P.O. Box 4010
1001 I Street
Sacramento, California 95812-4010
FAX: (916) 322-9705

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Portable Fuel Containers (Part 1 of 2)

In this regulatory action, the Air Resources Board amends its regulations pertaining to "portable fuel containers and spouts," and particularly the "applicability" and "definitions" provisions of these regulations.

Title 13
California Code of Regulations
AMEND: 2467, 2467.1
Filed 01/13/06
Effective 02/12/06
Agency Contact: Alexa Malik (916) 322-4011

CALIFORNIA HIGHWAY PATROL

Computer Crimes Reporting for State Agencies

In this regulatory action, the California Highway Patrol adopts 1 CCR 1875, a regulation for state agencies to report computer related crimes to its 24-hour Emergency Notification Tactical Alert Center, pursuant to Government Code sec. 14613.7.

Title 13
California Code of Regulations
ADOPT: 1875
Filed 01/12/06
Effective 02/11/06
Agency Contact: Gary Ritz (916) 445-1865

CALIFORNIA HIGHWAY PATROL

Insigne for Licensed Physicians

This regulatory action establishes the insignie developed by the California Medical Association as the official insignie approved by the California Highway Patrol for purposes of Vehicle Code section 21058.

Title 13
California Code of Regulations
AMEND: 970
Filed 01/12/06
Effective 02/11/06
Agency Contact: Gary Ritz (916) 445-1865

CALIFORNIA STATE LIBRARY

Conflict of Interest

The California State Library is amending its conflict of interest code found at Title 2, Div. 8, Ch. 64, Section 55300, California Code of Regulations. The amendment was approved for filing by the Fair Political Practices Commission on November 16, 2005.

Title 2
California Code of Regulations
AMEND: Div. 8, Ch. 64, Sec. 55300
Filed 01/17/06
Effective 02/16/06
Agency Contact: Victor Pong (916) 445-9595

CAL-PERS

Conflict of Interest

This is a Conflict of Interest Code which has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2
California Code of Regulations
ADOPT: 560 REPEAL: 560
Filed 01/17/06
Effective 02/16/06
Agency Contact: Marte Castanos (916) 326-3675

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Inmate Grooming-Religious Programs

This regulatory action is to allow male and female inmates to maintain their hair at any length, not to extend over the eyebrow or cover the inmate's face along with

certain other requirements; to establish and define a religious review committee; and to allow inmates a reasonable accommodation to attend a scheduled religious service if they are unable to do so due to conflicts with other elements of their program.

Title 15
California Code of Regulations
AMEND: 3000, 3062, 3075, 3210
Filed 01/17/06
Effective 01/17/06
Agency Contact: Ann Cunningham (916) 322-9702

DEPARTMENT OF JUSTICE

Wholesale or Nonresident Wholesaler Surety Bond Form

This filing adopts a new form entitled "Wholesaler or Non-Resident Wholesaler Surety Bond for \$25,000.00" to be used in connection with enforcement by the State Board of Pharmacy.

Title 11
California Code of Regulations
ADOPT: 116.2
Filed 01/11/06
Effective 01/11/06
Agency Contact: Anne M. Burr (415) 703-1403

DEPARTMENT OF PESTICIDE REGULATION
Criteria for Hill Assessment Allocation to Counties

This regulatory action amends the provisions governing the allocation to counties of pesticide mill assessment funds.

Title 3
California Code of Regulations
AMEND: 6393, 6394, 6395, 6396
Filed 01/12/06
Effective 02/11/06
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

DEPARTMENT OF SOCIAL SERVICES
Biennial Rate Application Requirement

This Certificate of Compliance sets the rate classification level for a group home program and the rate category for a foster family agency on a biennial rather than annual basis. The regulations amend policies and procedures pertaining to the annual system previously used, and adopt regulations to implement the biennial rate system established by statute.

Title MPP
California Code of Regulations
AMEND: 11-400, 11-402, 11-403, and 11-406
Filed 01/12/06

Effective 01/12/06
Agency Contact: Alison Garcia (916) 657-2586

ENVIRONMENTAL PROTECTION AGENCY

Unified Program Single Fee System for State Agencies

This is the first emergency re-adoption of rules (with amendments) that define terms and establish a mechanism for the setting of fees payable by a regulated business to any state agency acting as the Certified Uniform Program Agency in a county where no local agency has been certified to serve in that capacity.

Title 27
California Code of Regulations
ADOPT: 15241, 15242
Filed 01/13/06
Effective 01/24/06
Agency Contact: Mary Wilson (916) 323-7367

MEDICAL BOARD OF CALIFORNIA

Loan Repayment Program

Pursuant to change in statute (Ch. 367, Stats. 2004), this is a nonsubstantive change renaming the California Physician Corps Loan Repayment Program to the Steven M. Thompson Physician Corps Loan Repayment Program.

Title 16
California Code of Regulations
AMEND: 1313.01
Filed 01/12/06
Effective 02/11/06
Agency Contact:
Kevin A. Schunke (916) 263-2368

NEW MOTOR VEHICLE BOARD

Arbitration Certification Program Fee Collections

This nonsubstantive action amends the dollar amount to be charged to fund the certification program for the Arbitration Certification Program for 2005-06. The amount collected is based on a set formula prescribed by regulation.

Title 13
California Code of Regulations
AMEND: 553.70
Filed 01/18/06
Effective 01/18/06
Agency Contact: Dawn K. Kindel (916) 445-1888

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This is not a regulatory action, pursuant to Health & Safety code section 25249.8(e). It is for printing only of

two lists of chemicals that are updated periodically and published in CCR. This is the most recent update with a revision date of December 2, 2005.

Title 22
California Code of Regulations
AMEND: 12000
Filed 01/17/06
Effective
Agency Contact: Cynthia Oshita (916) 322-2068

**OFFICE OF ENVIRONMENTAL HEALTH HAZ-
ARD ASSESSMENT**
Chemicals Required by State or Federal Law to
Have Been Tested for Potential to Cause Cancer or
Reproductive. . .

This filing is a print only pursuant to Health and Safe-
ty Code section 25249.8. It amends the list of chemicals
required by state or federal law to have been tested for
potential to cause cancer or reproductive toxicity, but
which have not been adequately tested as required.

Title 22
California Code of Regulations
AMEND: 14000
Filed 01/17/06
Effective
Agency Contact: Cynthia Oshita (916) 322-2068

PUBLIC UTILITIES COMMISSION
Rules of Practice and Procedures

This action amends the PUC's rules of practice and
procedure governing distribution of meeting agendas
and agenda documents. This action is subject to limited
review by OAL under the provisions of Government
Code section 11351.

Title 20
California Code of Regulations
AMEND: 79, 80
Filed 01/12/06
Effective 01/12/06
Agency Contact: Hallie Yacknin (415) 703-1675

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN AUGUST 17, 2005 TO
JANUARY 18, 2006**

All regulatory actions filed by OAL during this peri-
od are listed below by California Code of Regulation's
titles, then by date filed with the Secretary of State, with
the Manual of Policies and Procedures changes adopted
by the Department of Social Services listed last. For fur-
ther information on a particular file, contact the person

listed in the Summary of Regulatory Actions section of
the Notice Register published on the first Friday more
than nine days after the date filed.

Title 1

12/29/05 AMEND: 1038

Title 2

01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300
01/17/06 ADOPT: 560 REPEAL: 560
12/29/05 AMEND: 18329.5, 18701, 18751
12/21/05 AMEND: 599.960, 599.961
12/20/05 AMEND: 18700, 18707, 18708
12/12/05 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.37, 20108.38,
20108.40, 20108.45, 20108.50,
20108.51, 20108.55, 20108.60,
20108.65, 20108.70, 20108.75, 20108.80
11/16/05 AMEND: 1181
11/07/05 ADOPT: 1859.300, 1859.301, 1859.302,
1859.310, 1859.311, 1859.312,
1859.313, 1859.314, 1859.315,
1859.316, 1859.317, 1859.318,
1859.319, 1859.320, 1859.321,
1859.322, 1859.323, 1859.323.1,
1859.323.2, 1859.324, 1859.325,
1859.326, 1859.327, 1859.328,
11/07/05 AMEND: 20107
10/31/05 AMEND: 1859.2, 1859.81, 1866
10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3,
1859.147, 1859.202, 1866, Form SAB
50-01
10/24/05 ADOPT: 1859.23 AMEND: 1859.2,
1859.122, 1859.123, 1859.123.1
10/18/05 ADOPT: 18732.5
10/11/05 ADOPT: 18117, 18772
10/11/05 AMEND: 18450.4
10/11/05 AMEND: 18401, 18427.1, 18700,
18705, 18707.9, 18730, 18750
10/06/05 ADOPT: 18735.5
09/23/05 ADOPT: 2280, 2281, 2282, 2283, 2284
09/15/05 AMEND: Div. 8, Ch. 71, Sec. 56000
09/13/05 AMEND: 18730
09/07/05 AMEND: Div. 8, Ch. 99, Sec. 58800
09/06/05 ADOPT: 1183.12, 1183.13, 1183.14
AMEND: 1181, 1181.1, 1181.2, 1181.3,
1183, 1183.01, 1183.02, 1183.03,
1183.04, 1183.05, 1183.06, 1183.07,
1183.08, 1183.1, 1183.11, 1183.12,
1183.2, 1183.21, 1183.3, 1187, 1187.2,
1187.3, 1187.4, 1188.1, 1188.3, 1188.4,
08/29/05 AMEND: Div. 8, Ch. 6, Sec. 27000

Title 3

01/12/06 AMEND: 6393, 6394, 6395, 6396
 12/28/05 AMEND: 3406(b)
 12/28/05 ADOPT: 6576, 6950
 12/15/05 AMEND: 6400
 12/13/05 AMEND: 3700(c)
 12/01/05 AMEND: 3700(c)
 11/23/05 AMEND: 3406(b)
 10/25/05 AMEND: 3406(b)
 10/24/05 AMEND: 3433(b)
 10/20/05 AMEND: 3591.19(a)
 10/19/05 AMEND: 3406(b)
 10/18/05 ADOPT: 3591.18
 10/17/05 AMEND: 3406(b)
 10/07/05 AMEND: 3406(b)
 10/07/05 ADOPT: 6551
 10/04/05 ADOPT: 3963
 10/03/05 AMEND: 3433
 09/28/05 ADOPT: 3591.19
 09/27/05 AMEND: 3700(c)
 09/16/05 ADOPT: 581

Title 4

01/09/06 ADOPT: 1902.5
 01/09/06 ADOPT: 1690.1
 12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074, 8076
 12/21/05 ADOPT: 12359
 12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098
 12/05/05 AMEND: 1977
 12/05/05 REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7
 11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.
 11/28/05 ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521
 11/23/05 AMEND: 4083
 11/01/05 ADOPT: 10300, 10302, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10335, 10337
 10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050 AMEND: 7047, 7048 REPEAL: 7049
 10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025, 9027, 9050, 9051, 9052, 9053, 9054,

9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070 AMEND: 9020, 9030, 9031, 9032, 9041, 9043

10/12/05 AMEND: 1433
 09/13/05 ADOPT: 1843.6
 09/12/05 AMEND: 4140
 08/24/05 AMEND: 1663
 08/17/05 AMEND: 1976.9

Title 5

12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671
 12/12/05 ADOPT: 80033.2
 12/07/05 AMEND: 43810
 12/06/05 ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6
 11/17/05 AMEND: 41301 REPEAL: 41303, 41304
 11/15/05 AMEND: 6111
 11/10/05 AMEND: 19826.1
 10/19/05 AMEND: 11900, 11905, 11915, 11920, 11925, 11930, 11935
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110
 10/11/05 ADOPT: 19850, 19851, 19852, 19853, 19854 AMEND: 19814, 19814.1
 10/11/05 ADOPT: 18220.2, 18224.2, 18224.4, 18240.5, 18249 AMEND: 18220, 18240, 18248, 18244
 09/28/05 AMEND: 50500
 09/01/05 REPEAL: 1630
 08/22/05 AMEND: 850, 851, 852, 853, 853.5, 854, 855, 857, 858, 859, 861, 862, 863, 864, 864.5, 865, 866, 867, 867.5, 868870

Title 8

12/20/05 AMEND: 3395
 12/14/05 AMEND: 6632(f)
 12/13/05 AMEND: 20299
 12/05/05 AMEND: 4650
 11/22/05 ADOPT: 13694
 11/22/05 ADOPT: 13680, 13681, 13682, 13683, 13684, 13685, 13686, 13687, 13688, 13689, 13690, 13691, 13692, 13693
 09/29/05 AMEND: 9789.11

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09/22/05	ADOPT: 9792.6, 9792.7, 9792.8, 9792.9, 9792.10 REPEAL: 9792.11	01/12/06	ADOPT: 1875
09/09/05	ADOPT: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15	01/12/06	AMEND: 970
08/25/05	AMEND: 6184	12/16/05	ADOPT: 253.02 AMEND: 345.16
08/22/05	ADOPT: 3395	12/07/05	ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures
Title 9		12/05/05	AMEND: 425.01
12/30/05	ADOPT: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415	11/08/05	AMEND: 550, 551.11, 551.12
		10/27/05	AMEND: 2453, 2455
		10/18/05	AMEND: 28.18, 28.19, 28.20, 28.21, 28.22, 28.23
		09/15/05	ADOPT: 1961.1 AMEND: 1900, 1961
		09/15/05	AMEND: 1961(d)
		09/12/05	AMEND: 2262, 2264.2, 2266.5(a) (6)
		08/24/05	AMEND: 551.2, 551.15
		08/18/05	AMEND: 2754
Title 10		Title 14	
12/28/05	AMEND: 2498.5	12/22/05	AMEND: 11900
12/13/05	AMEND: 2312, 2312.5, 2315	12/19/05	ADOPT: 163.1 AMEND: 163, 164
11/23/05	AMEND: 260.210, 260.211, 1726, 1950.122, 2020	12/06/05	ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05
11/16/05	AMEND: 2699.6600, 2699.6809	12/02/05	AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37
11/15/05	AMEND: 2690.1	11/30/05	ADOPT: 957.11, 957.12 AMEND: 957
11/03/05	ADOPT: 2698.95.1, 2698.95.11, 2698.95.12, 2698.96, 2698.97, 9698.97.1, 2698.98, 2698.98.1 AMEND: 2698.95	11/16/05	AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]
10/20/05	AMEND: 2318.6, 2353.1, 2354	11/09/05	ADOPT: 1038(i) AMEND: 1038.2, 1038(e)
10/07/05	ADOPT: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42, 2698.43 REPEAL: Sections 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.	11/02/05	AMEND: 632
09/28/05	AMEND: 260.121	11/01/05	ADOPT: 2.45, 251.9
09/28/05	AMEND: 2498.4.9	10/31/05	AMEND: 180.1
Title 11		10/26/05	AMEND: 2516
01/11/06	ADOPT: 116.2	10/25/05	AMEND: 11900
01/09/06	AMEND: 999.1, 999.2, 999.3, 999.4	10/24/05	AMEND: 1251, 1252, 1252.1, 1253, 1254, 1256, 1257
12/22/05	AMEND: 1005, 1007, 1008, D-1, D-10, D-14	10/18/05	ADOPT: 17939.1, 17939.2, 17939.3, 17939.4, 17939.5 AMEND: 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936
12/15/05	AMEND: 51.12	10/13/05	AMEND: 699.5
12/01/05	ADOPT: 116.1	10/13/05	AMEND: 895, 895.1, 1038, 1038(f)
11/22/05	ADOPT: 49.17	10/12/05	ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2,
10/24/05	AMEND: 1070, 1081, 1082		
08/22/05	AMEND: 1001, 1002, 1007		
08/22/05	AMEND: 1002, 1007, 1018, 1008, 1015		
Title 12			
09/19/05	ADOPT: 460, 461		
Title 13			
01/18/06	AMEND: 553.70		
01/13/06	AMEND: 2467, 2467.1		

	18460.2.1, 18461, 19462, 18463, 18464, 18466	11/21/05	AMEND: 1397.61(a)
10/06/05	AMEND: 15000, 15001, 15002, 15003, 15004, 15005, 15006, 15007, 15020, 15021, 15022, 15023, 15024, 15025, 15040, 15041, 15042, 15043, 15044, 15045, 15050, 15051, 15052, 15053, 15060, 15060.5, 15061, 15062, 15063, 15064, 15064.5, 15064.7, 15065, 15070,	11/18/05	AMEND: 1364.11
09/30/05	AMEND: 502, 506	11/15/05	AMEND: 69, 75.5, 87.5, 89, 89.1, 95, 95.2, 95.3, 95.4
09/21/05	ADOPT: 18801.1, 18808.1, 18808.2, 18808.3, 18808.4, 18808.5, 18808.6, 18808.7, 18808.8, 18808.9, 18808.10, 18808.11, 18809.1, 18809.2, 18809.3, 18809.4, 18809.5, 18809.6, 18809.7, 18809.8, 18809.9, 18809.10, 18809.11, 18810.1, 18810.2, 18810.3, 18810.4,	10/24/05	AMEND: 1399.50, 1399.52
09/20/05	AMEND: 13800	10/20/05	AMEND: 1922.3
08/26/05	AMEND: 7.50(b) (91.1)	10/20/05	AMEND: 1870, 1870.1, 1874
08/24/05	AMEND: 183 REPEAL: 188	10/18/05	AMEND: 1807.2, 1833, 1833.1, 1833.2, 1887.4, 1889, 1889.1, 1889.3
08/23/05	AMEND: 230	10/11/05	AMEND: 7, 7.1, 9, 9.2, 11.5, 13 REPEAL: 14
08/23/05	AMEND: 7.50	10/06/05	AMEND: 1016, 1017
Title 14, 27		10/05/05	AMEND: 1014, 1014.1
08/23/05	AMEND: Title 14, 17850(a); 17852(a) (5), (a) (11), (a) (12), (a) (13), (a) (15), (a) (16), (a) (21), (a) (22), (a) (24), (a) (36), (a) (41); 17855(a), (a) (5) (A); 17855(a) (5) (B), (a) (7); 17855.4(a),(c), (d) (1), (d) (2), (d) (3); 17856(a), (c), (c) (1);	09/20/05	AMEND: 407(c)
Title 15		09/09/05	AMEND: 1399.170.11
01/17/06	AMEND: 3000, 3062, 3075, 3210	09/07/05	ADOPT: 1712 AMEND: 1706.2, 1715, 1717, 1719, 1720, 1720.1, 1725, 1726, 1728, 1732, 1732.05, 1732.1, 1732.2, 1732.3, 1732.4, 1732.5, 1732 6, 1732.7, 1745, 1749 REPEAL: 1727, 1750
12/15/05	AMEND: 3335	09/06/05	ADOPT: 1659.30(a) (b) (c), 1659.31(a) (b), 1659.32(a) (b), 1659.33, 1659.34(a)(b)(c), 1659.35
12/05/05	AMEND: 3173.1	09/06/05	ADOPT: 1070.4
11/21/05	ADOPT: 3999.2	08/29/05	AMEND: 404.1, 404.2
11/01/05	AMEND: 3287	08/25/05	AMEND: 1399.15
09/13/05	ADOPT: 3480, 3480.1, 3483, 3484, 3485 AMEND: 3084.1, 3084.7, 3480, 3481, 3482, 3483	08/25/05	AMEND: 473
08/23/05	AMEND: 3025	Title 17	
Title 16		12/29/05	ADOPT: 30105
01/12/06	AMEND: 1313.01	11/10/05	AMEND: 54355, 56002, 56040
01/05/06	AMEND: 1399.710	10/18/05	ADOPT: 30194.1, 30194.2 AMEND: 30100, 30145, 30145.1, 30225, 30230, 30231, 30408, 30535 REPEAL: 30232
12/30/05	AMEND: 119.6, 120	09/12/05	ADOPT: 1029.117, 1029.134, 1031.8, 1031.9, 1032.5, 1035.3, 1035.4
12/30/05	AMEND: 1820, 1970.4, 1991, 1996	09/07/05	REPEAL: 1411.1, 1420.1, 1420.2, 1420.3, 1420.4, 1420.5, 1422.3, 1498, 1498.1, 1498.2, 1498.3, 1498.4, 1498.5, 1498.6, 1498.7, 1498.8, 1498.9
12/27/05	AMEND: 3005	08/31/05	ADOPT: 93102.5
12/15/05	ADOPT: 1399.454 AMEND: 1399.434, 1399.436, 1399.450, 1399.451	08/18/05	AMEND: 94006
12/13/05	AMEND: 3005	Title 18	
12/12/05	ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 35.1 AMEND: 70, 98	01/10/06	AMEND: 1S84
12/02/05	ADOPT: 3067	12/29/05	AMEND: 1620
11/30/05	AMEND: 2542, 2542.1, 2547, 2547.1	12/27/05	ADOPT: 1823.4
11/29/05	AMEND: 1397.61(f)	12/09/05	ADOPT: 25106.5-11
		10/04/05	AMEND: 1698
		Title 20	
		01/12/06	AMEND: 79, 80
		01/03/06	ADOPT: 1362, 1363.1, 1363.2, 1365.1, Appendix C AMEND: 1364, 1366, 1368.1, 1369, 1370, Appendix A,

Appendix B REPEAL: 1363, 1365, 1368, 1368.5
 12/30/05 AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608
 09/08/05 ADOPT: 2800, 2801, 2810, 2811, 2820, 2821, 2822, 2823, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2840, 2841, 2842

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09/09/05 ADOPT: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619

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01/17/06 AMEND: 14000
 01/17/06 AMEND: 12000
 12/30/05 ADOPT: 67384.1, 67384.2, 67384.3, 67384.4, 67384.5, 67384.6, 67384.7, 67384.8, 67384.9, 67384.10, 67384.11
 12/27/05 ADOPT: 66262.44 AMEND: 66261.111, 66262.10
 12/19/05 ADOPT: 66264.151 AMEND: 66264.115, 66264.120, 66264.143, 66264.145, 66264.147, 66265.115, 66265.120, 66265.143, 66265.145, 66265.147, 67450.13, 67450.30, 67450.49
 11/10/05 ADOPT: 51000.6.1, 51000.10.1, 51000.15.1, 51000.20.1, 51000.24.1, 5100.25.1, 51000.25.2, 51000.31, 51000.32, 51000.51, 51000.52, 51000.53, 51000.55, 51000.60, 51051 AMEND: 51000.1, 51000.1.1, 51000.3, 51000.4, 51000.6, 51000.7, 51000.16, 51000.30, 51000
 10/04/05 AMEND: 80072(a) (8), 85068.4
 09/27/05 AMEND: 311-1
 09/27/05 ADOPT: 4400(jj), 4403.1, 4446.5 AMEND: 4400(I), 4403, 4412.1, 4415, 4417
 09/02/05 AMEND: 4418 REPEAL: 4419, 4442.1, 4444
 08/24/05 AMEND: 51510, 51510.1, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501

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12/27/05 ADOPT: 3939.16
 12/20/05 ADOPT: 3957
 12/15/05 ADOPT: 3939.18
 12/09/05 ADOPT: 3939.19
 12/09/05 ADOPT: 3939.20
 12/02/05 ADOPT: 3989.2
 12/01/05 ADOPT: 3939.15
 11/28/05 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37
 10/21/05 AMEND: 1062, 1063, 1064, 1065, 1066, 1067, 1071, 1077, 3833.1 REPEAL: 793
 10/13/05 ADOPT: 2200.6 AMEND: 2200
 10/12/05 ADOPT: 3005
 10/04/05 AMEND: 2908
 10/03/05 AMEND: 3900
 09/22/05 ADOPT: 18456.2.1, 18460.2.1, Forms CIWMB 173 (4/04), 180(3/04) AMEND: 18449, 18450, 18451, 18456, 18459, 18459.2.1, 18459.3, 18461, 18462
 09/08/05 ADOPT: 3966
 08/19/05 AMEND: 2611
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12/19/05 ADOPT: 11101, 13302 AMEND: 19200, 19201, 19202, 19203, 19204, 19205, 19206, 19207, 19300, 19301, 19400
 12/07/05 AMEND: 1338.1 REPEAL: 1433.1
 11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348
 09/27/05 ADOPT: 8430, 8431, 8432, 8433, 8434
 08/12/05 AMEND: 8204, 8210, 8211, 8212, 8212.1, 8213, 8217

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01/13/06 ADOPT: 15241, 15242
 11/17/05 AMEND: 21685
 09/29/05 ADOPT: 20070, 21569, 21835
 09/26/05 ADOPT: 15241, 15242

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12/14/05 AMEND: 1300.75.4
 08/22/05 ADOPT: 1300.67.1.3

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01/12/06 AMEND: 11-400, 11-402, 11-403, and 11-406
 09/20/05 REPEAL: 11-405.22